

SERVICE DATE – JUNE 15, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. NOR 42088

WESTERN FUELS ASSOCIATION, INC., AND
BASIN ELECTRIC POWER COOPERATIVE

v.

BNSF RAILWAY COMPANY

Digest:¹ A petition jointly submitted by the parties to vacate the rate prescription, dismiss the complaint with prejudice, and discontinue the proceeding is granted.

Decided: June 12, 2015

On May 15, 2015, complainants Western Fuels Association, Inc., and Basin Electric Power Cooperative, Inc. (collectively, WFA) and defendant BNSF Railway Company submitted a joint petition to vacate the 2009 rate prescription in this proceeding,² dismiss WFA's complaint with prejudice, and discontinue this proceeding. The parties state that they have entered into a rail transportation agreement settling all matters at issue in this proceeding.

The joint petition will be granted.

It is ordered:

1. The parties' joint petition to vacate the 2009 rate prescription, dismiss WFA's complaint with prejudice, and discontinue this proceeding is granted.
2. This decision is effective on the date of service.

By the Board, Acting Chairman Miller and Vice Chairman Begeman.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Policy Statement on Plain Language Digests in Decision, EP 696 (STB served Sept. 2, 2010).

² See W. Fuels Ass'n v. BNSF Ry., NOR 42088 (STB served Feb. 18, 2009) (prescribing rates), modified by W. Fuels Ass'n v. BNSF Ry., NOR 42088 (STB served June 5, 2009) (revising rate prescription).